
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

GARY CLAYTON VIENS,

Plaintiff,

v.

DR. NOWICKI, et al.,

Defendants.

**MEMORANDUM DECISION
AND ORDER TO SHOW CAUSE**

Case No. 2:22-CV-8-HCN

Howard C. Nielson, Jr.
United States District Judge

Plaintiff filed his civil rights complaint as a prisoner. *See* Dkt. No. 7. On February 2, 2022, Plaintiff filed a motion for a preliminary injunction. *See* Dkt. No. 8. On June 21, 2022, the court denied Plaintiff’s motion for preliminary injunction and, upon screening the complaint, ordered Plaintiff to file an amended complaint curing the deficiencies in the initial complaint within 30 days. *See* Dkt. No. 14. On February 8, 2023, Plaintiff filed a letter with an affidavit in which he appears to discuss claims that are not part of this action. *See* Dkt. No. 16. In doing so, Plaintiff has disregarded the court’s instructions that he must “cure the [initial complaint’s] deficiencies . . . by filing a document entitled, ‘Amended Complaint,’” that “all claims . . . must be included in an amended complaint,” and that “[n]othing outside the complaint will be treated by the Court as adding claims or defendants.” Dkt. No. 14 at 3, 7. Plaintiff has thus failed to comply with the court’s order to file an amended complaint curing the deficiencies in the initial complaint.

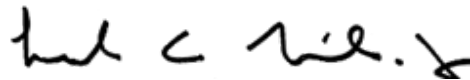
IT IS HEREBY ORDERED that no later than March 20, 2023, Plaintiff shall file a brief showing cause why this action should not be dismissed for failure to comply with the court’s

order to file an amended complaint. Even if Plaintiff does show cause, it is not clear whether he wishes to abandon his original claims and pursue only the claims mentioned in his affidavit or whether he wishes to pursue all the claims. If Plaintiff intends to pursue all the claims, he is free to assert the new claims in the amended complaint under Federal Rule of Civil Procedure 15(a)(1). However, adding the new claims will not, by itself, cure the deficiencies in the initial complaint. Rather, to avoid dismissal of the initial claims he asserted, Plaintiff's amended complaint must comply with the court's June 21, 2022, order. If Plaintiff wishes to pursue only the claims mentioned in his affidavit, he should file those claims in a new and separate action.

For Plaintiff's convenience, the Clerk of Court shall attach to this order a copy of the complaint (Dkt. No. 7), a copy of the court's June 21, 2022 order, (Dkt. No. 14), a Pro Se Litigant Guide, and two blank-form civil rights complaints.

DATED this 21st day of February, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "H. C. Nielson, Jr.", written over a horizontal line.

Howard C. Nielson, Jr.
United States District Judge